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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,729	11/04/2003	Pierre Cote	IQB-0007C3	6432
34610	7590	11/23/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			COUSO, YON JUNG	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/699,729

Applicant(s)

COTE, PIERRE

Examiner

Yon Couso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/4/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eraslan (US Patent No. 6,381,346) in view of Gordon et al "Application of Morphology to Feature Extraction for Face Recognition".

As to claim 1, Eraslan teaches a method, comprising: accessing a database of feature elements, said feature elements having corresponding element codes (3402 in figure 34); forming a representation of a predetermined facial image by combining feature elements from the database (3404 in figure 34); determining a facial image code from the element codes of the combined feature elements (3406 in figure 34); and transmitting said facial image code (column 11, lines 12-30). Eraslan does not teach details on feature element being morphological element. However, Eraslan discloses extracting facial feature from each facial part (3426 in figure 34). The morphological element is one of many well-known image characteristics used in image processing. Gordon discloses studying facial image using morphological element in feature extraction (entire article is devoted to that). Given the references at the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate a well-known feature extraction method such as morphological element as taught in Gordon into Eraslan's teaching of extracting feature elements having corresponding element codes (3402 in figure 34) and forming a representation of a

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predetermined facial image by combining feature elements from the database (3404 in figure 34) because the morphological element is one of many well-known image characteristics used in image processing. Eraslan and Gordon are combinable because they are from the same field of endeavor, namely, facial image processing, and they both use feature extraction from the facial image to processes the facial image.

As to claim 2, Eraslan teaches that the forming a representation of a predetermined facial image comprises: selecting combinations of feature elements that together form the representation of the face (column 12, lines 16-42); and determining said corresponding element codes to each feature element (column 14, lines 3-34).

As to claim 3, Eraslan teaches that database of feature elements comprises: a library of facial images (3405 in figure 34).

As to claim 4, Eraslan teaches that the facial images comprise eyes, noses, wrinkles, mouth, ears, hair, hairstyle, facial shape, chin, or facial hair (column 12, lines 14-19).

As to claim 5, Eraslan teaches that the facial images comprise eyeglasses, jewelry, or head wear (column 12, lines 25-27, other features would read on these accessories).

As to claim 6, Eraslan teaches that the database of feature elements comprises a library of image qualifiers (3405 in figure 34).

As to claim 7, Eraslan teaches that the library of image qualifiers comprises visual effects applied to an image (column 14, lines 56-column 15, line 19).

As to claim 8, Eraslan teaches that the visual effects comprise enlarging, detracting, positioning, or coloring (column 14, lines 56-column 15, line 19).

As to claim 9, see claim 1.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Eraslan (US Patent No. 6,381,346).

As to claim 10, Eraslan teaches a computer-readable medium having stored thereon a plurality of sequences of instructions, said plurality of sequences of instructions including sequences of instructions which, when executed by a processor, cause said processor to perform the steps of: receiving a predetermined selection of either an element from image information or a spatial relationship from qualifier information (3426 in figure 34); obtaining link information corresponding to a selected element or spatial relationship, wherein the link information includes a user's selection as an attribute of the link information (column 8, lines 18-25); displaying elements linked with a selected spatial relationship in sequence using the link information, if an element is selected for browsing (3406 in figure 34); and displaying spatial relationships which describe elements linked with a selected spatial relationship in sequence using the link

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information, if a spatial relationship is selected, wherein said displaying elements and displaying spatial relationships comprises displaying a facial image (3410 in figure 34). Even though Eraslan does not teach details on browsing or displaying according to the user's selection, Eraslan clearly discloses user interface in the system (column 8, lines 18-25). Given the processor and software as in Eraslan along with the teachings in user interface, browsing or displaying in accordance with the user's selection would have been inherent to the system taught in Eraslan.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arbuckle is also cited.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (571) 272-7448. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

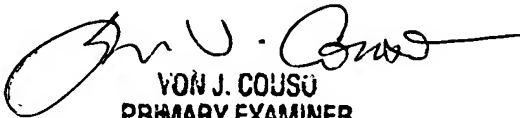
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YJC

November 18, 2005



VON J. COUSO  
PRIMARY EXAMINER